

the recommendation that the attached bill, as substituted in lieu of the original Senate Bill No. 198, do pass and be printed.

COTTEN, Chairman.

Committee Room.

Austin, Texas, April 20, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 482 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room.

Austin, Texas, April 20, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 345 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

SIXTY-THIRD DAY.

(Thursday, April 22, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called and the following Senators were present:

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Head	Small
Holbrook	Spears
Isbell	Stone
Lemens	Sulak
Moore	Van Zandt
Neal	Westerfeld
Nelson	Winfield
Newton	

The following Senators were absent and excused:

Davis	Weinert
Hill	Woodruff

A quorum was announced present.

The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of April 20, 1937, was dispensed with, on motion of Senator Aikin.

Reports of Standing Committees.

Reports on H. B. No. 893 and on H. J. R. No. 23 were submitted by the chairmen of the several committees to which they were referred. (See appendix for reports in full.)

Leaves of Absence Granted.

Senator Hill was granted leave of absence for today on account of important business, on motion of Senator Beck.

Senator Davis was granted leave of absence for today, on account of illness, on motion of Senator Stone.

Senator Weinert was granted leave of absence for today, on account of important business, on motion of Senator Stone.

Senate Resolution No. 72.

Senator Neal offered the following resolution:

Whereas, The Glee Club from the College of Arts and Industries of Kingsville is in the capitol today; now, therefore, be it

Resolved, That this Club be extended an invitation by the Senate to render a program.

The resolution was read and was adopted.

Accordingly, the President appointed Senators Neal, Rawlings and Small to escort the Glee Club of the College of Arts and Industries to the bar of the Senate.

House Joint Resolution No. 2 on Second Reading.

The President laid before the Senate, on its second reading and passage to third reading:

H. J. R. No. 2, Proposing an amendment to Article III of the Constitution of the State of Texas, by adding a new Section thereto to be known as Section 48b authorizing the Legislature to establish a system of unemployment insurance, and providing for the levying of a tax on payrolls for such purpose; and providing for its submission to the voters as required by the Constitution, and making an appropriation therefor.

The resolution was read second time.

On motion of Senator Lemens, the resolution was tabled subject to call.

House Bill No. 511 on Second Reading.

The President laid before the Senate, as a special order for this hour, on its second reading and passage to third reading:

H. B. No. 511. A bill to be entitled "An Act providing for the execution of an agreement to extend the Interstate Compact to conserve oil and gas; prescribing the form of the agreement; prescribing procedure for withdrawal from the compact, and declaring an emergency."

The bill was read second time.

Senator Moore offered the following amendment to the bill:

Amend H. B. No. 511 by adding at the end of Section 4, the following:

Should any state which is a party or which may be a party to this compact produce more than its proportional part of the oil, taking into consideration the potential production and available markets of each state, it shall be the duty of the Governor to declare such compact at an end and to be terminated insofar as the State of Texas is concerned.

(Senator Small in the Chair.)

Senator Oneal moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—12.

Aikin	Oneal
Beck	Roberts
Brownlee	Small
Head	Spears
Holbrook	Sulak
Nelson	Westerfeld

Nays—11.

Collie	Redditt
Cotten	Shivers
Lemens	Stone
Moore	Van Zandt
Pace	Winfield
Rawlings	

Present—Not Voting.

Neal

Absent.

Burns	Newton
Isbell	

Absent—Excused.

Davis	Weinert
Hill	Woodruff

Question recurring on the passage of the bill to third reading, yeas and nays were demanded.

The bill was passed to third reading by the following vote:

Yeas—21.

Aikin	Redditt
Beck	Roberts
Brownlee	Shivers
Collie	Small
Head	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Neal	Westerfeld
Nelson	Winfield
Oneal	

Nays—3.

Moore	Rawlings
Pace	

Absent.

Burns	Newton
Cotten	

Absent—Excused.

Davis	Weinert
Hill	Woodruff

House Bill No. 511 on Third Reading.

Senator Oneal moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 511 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—21.

Aikin	Redditt
Beck	Roberts
Brownlee	Shivers
Collie	Small
Head	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Neal	Westerfeld
Nelson	Winfield
Oneal	

Nays—3.

Moore	Rawlings
Pace	

Absent.

Burns Newton
Cotten

Absent—Excused.

Davis Weinert
Hill Woodruff

The Presiding Officer laid H. B. No. 511 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25.

Aikin	Pace
Beck	Rawlings
Brownlee	Redditt
Collie	Roberts
Cotten	Shivers
Head	Small
Holbrook	Spears
Isbell	Stone
Lemens	Sulak
Moore	Van Zandt
Neal	Westerfeld
Nelson	Winfield
Oneal	

Absent.

Burns Newton

Absent—Excused.

Davis Weinert
Hill Woodruff

Invitation.

Senator Spears extended an invitation from the citizens of San Antonio to the Members of the Senate to attend the Battle of Flowers parade in the City of San Antonio on tomorrow afternoon.

Senator Collie moved that the invitation be accepted by all Senators who can attend the parade and that they notify Senator Spears today of their intention to be present for the occasion.

The motion prevailed.

House Bill No. 600 on Passage to Third Reading.

Senator Aikin called up from the President's table, on its passage to third reading (the bill having been read second time on Tuesday, April 20, 1937, and laid on the table subject to call on that day):

H. B. No. 600, A bill to be entitled "An Act to amend Chapter 350, Acts

of the Forty-fourth Legislature, being the rural aid appropriation, by providing additional appropriation for carrying out provisions of said Act, repealing all conflicting laws, and declaring an emergency."

The Presiding Officer laid the bill before the Senate, on its passage to third reading.

Senator Burns offered the following amendment to the bill:

Amend H. B. No. 600 by adding a new Section to be appropriately numbered and reading as follows:

"Out of the funds appropriated by this Act, there shall first be paid all tuition owed by school districts to other school districts."

And amend caption to conform.

MOORE,
BURNS,
REDDITT,

The amendment was adopted.

Senator Burns offered the following amendment to the bill:

Amend H. B. No. 600, Section 5A, by striking out all of said Section.

On motion of Senator Aikin, the amendment was tabled.

Senator Rawlings offered the following amendment to the bill:

Amend H. B. No. 600 by striking out Section 5b, page 3 of the printed bill.

Senator Aikin moved to table the amendment.

Yeas and nays were demanded and the motion to table prevailed by the following vote:

Yeas—14.

Aikin	Lemens
Beck	Nelson
Burns	Oneal
Collie	Redditt
Cotten	Roberts
Head	Sulak
Holbrook	Westerfeld

Nays—9.

Moore	Small
Neal	Spears
Pace	Van Zandt
Rawlings	Winfield
Shivers	

Present—Not Voting.

Brownlee

Absent.

Isbell
Newton

Stone

Absent—Excused.

Davis
HillWeinert
Woodruff

The bill then was passed to third reading.

On motion of Senator Moore, the vote by which the bill was passed to third reading was reconsidered.

Question—Shall the bill be passed to third reading?

Senator Moore offered the following amendment to the bill:

Amend H. B. No. 600 by adding a new Section reading as follows:

"Out of the funds appropriated by this Act each County Equalization Fund created by law (in counties of over 350,000 inhabitants) shall have paid into it immediately the sum of \$19,000."

On motion of Senator Aikin, the amendment was tabled.

Senator Collie offered the following amendment to the bill:

Amend H. B. No. 600 by adding the following provision at the end of Section 2:

"Provided, however, the State Board of Education and State Superintendent may take into consideration all expenditures of legitimate maintenance purposes and they shall so construe the language to H. B. No. 327, Chapter 350."

On motion of Senator Aikin, the amendment was tabled.

H. B. No. 600 was then passed to third reading.

House Bill No. 600 on Third Reading.

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 600 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27.

Aikin
Beck
Brownlee
BurnsCollie
Cotten
Head
HolbrookIsbell
Lemens
Moore
Neal
Nelson
Newton
Oneal
Pace
Rawlings
ReddittRoberts
Shivers
Small
Spears
Stone
Sulak
Van Zandt
Westerfeld
Winfield

Absent—Excused.

Davis
HillWeinert
Woodruff

The Presiding Officer laid H. B. No. 600 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27.

Aikin
Beck
Brownlee
Burns
Collie
Cotten
Head
Holbrook
Isbell
Lemens
Moore
Neal
Nelson
NewtonOneal
Pace
Rawlings
Redditt
Roberts
Shivers
Small
Spears
Stone
Sulak
Van Zandt
Westerfeld
Winfield

Absent—Excused.

Davis
HillWeinert
Woodruff

House Bill No. 397 on Second Reading.

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 397, A bill to be entitled "An Act to provide for the purchase of a site and for the establishment, location, and construction of a hospital for the mentally ill, naming the same; and providing for the care, treatment, and support of mentally ill persons; to make an appropriation therefor, etc."

The Presiding Officer laid the bill before the Senate and it was read second time.

Senator Shivers offered the following amendment to the bill:

Amend H. B. No. 397 by striking out all below the enacting clause and substituting in lieu thereof the following:

Section 1. During the fiscal year beginning September 1, 1937, and ending August 31, 1938, there shall be constructed and established a hospital for the care, treatment, and support of white mentally ill persons of this State. It shall be known as the State Hospital; that after the said hospital has been located then the name of the town near which it is located shall be added to the name so as to thereafter read, "_____ State Hospital." The hospital shall be located at some point west of the one hundredth meridian, and at a place where not less than three hundred acres of good fertile agricultural land can be secured.

During the fiscal year beginning September 1, 1938, and ending August 31, 1939, there shall be constructed and established a hospital for the care, treatment, and support of white mentally ill persons of this State. It shall be known as the State Hospital; that after the said hospital has been located then the name of the town near which it is located shall be added to the name so as to thereafter read "_____ State Hospital." The hospital shall be located at some point east of the ninety-sixth meridian and at a place where not less than three hundred acres of good fertile agricultural land can be secured.

Sec. 2. The Board of Control of the State of Texas shall select sites for said hospitals and the Board in selecting such sites shall make such selections with a view to its accessibility and convenience to the greatest number of inhabitants, the supply of water, building material, fuel, fertility of soil and healthfulness and such sites shall contain not less than three hundred acres of land above described. Said Board shall take title to the lands so selected by them in the name of the State of Texas for the use and benefit of said hospitals, provided however that the Attorney General's Department shall first approve the title to said lands so selected by the Board.

Sec. 3. At the completion of the

buildings and when each hospital is ready to open, the Board of Control shall appoint and employ superintendents and such other employees as are necessary to superintend and carry on the work of each hospital as is now provided by the general laws of Texas governing such institutions.

Sec. 4. The support and general maintenance of said hospitals shall be the same in every respect as is provided for insane hospitals as now provided by law.

Sec. 5. There shall be constructed upon said grounds so selected permanent, suitable and fire-proof buildings sufficient to accommodate at least six hundred inmates at each location; said buildings to be provided with modern improvements for furnishing water, heat, ventilation, and sewerage; and the Board of Control immediately after this Act goes into effect and after the selection of sites for said hospitals and after the title to said lands have been approved by the Attorney General shall advertise for lands and specifications for said buildings and the contract for erection of same during the time specified in Section 1; the Board of Control shall have the power and authority to do and perform all things necessary for carrying out the purpose of this Act provided that all buildings authorized by this Act for which an appropriation is hereby made shall be of fireproof construction and that part of all plans and specifications for the erection of said buildings relating to fire protection shall be subject to the approval of the State Fire Insurance Commission.

Sec. 6. There is hereby appropriated out of the general revenue fund of this State not otherwise appropriated the sum of \$1,634,000.00 or as much thereof as may be necessary for the purchase price of the lands selected for sites, for the expenses incurred in procuring same, and for the buildings and improvements on said lands, as herein provided for the hospitals hereby created.

Sec. 7. Whereas there is now a large number of insane persons in the jails of this State, and whereas the present hospitals of this State are not sufficient to properly carry on the support and maintenance of such insane persons, and whereas it is not to the public interest that such

unfortunate people be confined in the jails of Texas creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

And amend caption to conform.

SHIVERS,
MOORE.

Yeas and nays were demanded, and the amendment was adopted by the following vote:

Yeas—20.

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Shivers
Collie	Small
Cotten	Spears
Head	Stone
Holbrook	Sulak
Moore	Westerfeld
Neal	Winfield

Nays—5.

Isbell	Roberts
Lemens	Van Zandt
Oneal	

Present—Not Voting.

Rawlings

Absent.

Newton

Absent—Excused.

Davis	Weinert
Hill	Woodruff

Senator Rawlings offered the following amendment to the bill:

Amend H. B. No. 397 as amended by adding after the word "secured" at the end of the first paragraph of Section 1 the following: "by donation to the State."

The amendment was adopted.

H. B. No. 397 was then passed to third reading.

House Bill No. 397 on Third Reading.

Senator Nelson moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 397 be

placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Head	Shivers
Holbrook	Small
Isbell	Spears
Lemens	Stone
Moore	Sulak
Neal	Westerfeld
Nelson	Winfield

Nays—1.

Van Zandt

Absent—Excused.

Davis	Weinert
Hill	Woodruff

The Presiding Officer then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—23.

Aikin	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Head	Small
Holbrook	Spears
Lemens	Stone
Moore	Sulak
Neal	Westerfeld
Nelson	Winfield
Oneal	

Nays—3.

Beck	Van Zandt
Isbell	

Absent.

Newton

Absent—Excused.

Davis	Weinert
Hill	Woodruff

House Bill No. 91 on Final Passage.

Senator Neal called up from the President's table, on its final pas-

sage (the bill having been read third time and tabled subject to call on April 20, 1937):

H. B. No. 91, A bill to be entitled "An Act amending Article 7005, Title 121, Revised Civil Statutes of the State of Texas, as amended by the Acts of 1931, Forty-second Legislature, Regular Session, page 852, Chapter 360, Section 1, exempting Wilbarger County and others from the provision requiring the election of a hide and animal inspector, and other provisions of Chapter 7, Title 121, Revised Civil Statutes of 1925, State of Texas, and declaring an emergency."

The Presiding Officer laid the bill before the Senate on its final passage.

Senator Oneal offered the following amendment to the bill:

Amend H. B. No. 91 by adding therein the following counties:

Deaf Smith, Randall, Hutchinson, Carson, Moore and Hansford.

SMALL,
ONEAL.

The amendment was adopted unanimously.

Senator Westerfeld offered the following amendment to the bill:

Amend H. B. No. 91 by adding the following: County of "Dallas."

The amendment was adopted unanimously.

H. B. No. 91 then was passed.

Senate Joint Resolution No. 5 on Engrossment.

Senator Sulak called up from the President's table on its passage to engrossment (the resolution having been read second time on April 7, 1937, and having been tabled subject to call on Tuesday, April 20, 1937):

S. J. R. No. 5, Proposing an amendment of Section 51b of Article III of the Constitution of the State of Texas so as to require the Legislature to provide for a system of Old Age Pension and/or Assistance not to exceed Fifteen Dollars (\$15) per person per month to actual bona fide residents of the State of Texas, over the age of sixty-five years, excluding therefrom habitual criminals, habitual drunkards and inmates of a State supported institution; providing for the length of time of actual residence by applicants within the

State of Texas; authorizing the Legislature to accept financial assistance from the United States Government for Old Age Pensions and/or Assistance; levying a two per cent occupation tax on persons engaged in the business of making retail sales of goods, wares, merchandise and commodities including the gross receipts of places of amusement; creating a Special Old Age Pension and/or Assistance Fund or funds and providing that same shall never be diverted; providing that said fund shall be prorated to the aged of this State without regard to previous standards of living, income or other restrictions than those specifically set forth; requiring the Legislature to define terms, to set up machinery to administer such law and to make appropriations necessary for the administration of same; providing for the necessary proclamation, publication and election.

With amendment by Senator Sulak and substitute by Senator Small and others for the amendment, pending.

Question—Shall the substitute (as amended) be adopted?

Adjournment.

Senator Burns moved that the Senate recess to 2:00 o'clock p. m. today.

Senator Pace moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

The motion to adjourn prevailed; and the Senate accordingly, at 12:00 o'clock m., adjourned until 10:00 o'clock a. m. tomorrow.

Record of Votes.

Senators Collie and Oneal asked to be recorded as voting "nay" on the motion to adjourn.

APPENDIX.

Reports of Standing Committees.

Committee Room.

Austin, Texas, April 22, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

H. B. No. 893, A bill to be entitled "An Act to amend Section 6 of H.

B. No. 303, Chapter 245, page 856, of the Acts of the Regular Session of the Forty-third Legislature as amended by H. B. No. 373, Chapter 264, page 651 of the Acts of the Regular Session of the Forty-fourth Legislature to exempt from the provisions thereof associations which are not operated for profit and which pay no commissions to anyone, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLLIE, Chairman.

Committee Room,
Austin, Texas, April 22, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

H. J. R. No. 23, Proposing an amendment to the Constitution of the State of Texas to be known as Article VIII, Section 20, providing that ad valorem taxes shall be assessed and levied in such way as to permit the payment during the months of October, November and December of the year for which such taxes are assessed, of certain percentage of the amount that such taxes would be if paid after the expiration of the year; providing for an election on the question of adoption or rejection and making an appropriation therefor; providing for the proclamation and publication thereof, and prescribing the form of ballot.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute in lieu thereof do pass and be printed.

MOORE Chairman.

Committee Room,
Austin, Texas, April 20, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bills Nos. 483, 133, 276, 476, 484, 27, 40, 485, 352, 150, and 204 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,
Austin, Texas, April 20, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 134 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,
Austin, Texas, April 20, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 131 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,
Austin, Texas, April 20, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 196 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,
Austin, Texas, April 15, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had Senate Bills Nos. 454, 443, 455, 226, 406, 452, 377, 417, 83 and 245 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,
Austin, Texas, April 20, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 1 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

SIXTY-FOURTH DAY.

(Friday, April 23, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Senator Small.

The roll was called, and the following Senators were present: